

REMARKS

Claims 32-37 are pending in the application. Claims 32-37 were rejected under 35 U.S.C. §102(e), as described in paragraph 9-11 of the Office Action. Claims 32 and 37 are the only independent claims.

It is respectfully submitted that there are no related applications to be discussed in a section titled "CROSS-REFERENCE TO RELATED APPLICATIONS." Accordingly, it is respectfully submitted that such a section is not required in the present Specification. Accordingly, it is respectfully requested that the objection to the Specification be withdrawn.

Applicants have amended the Title of the Specification to be more indicative of the invention to which the claims are directed. Accordingly, it is respectfully requested that the objection to the Title be withdrawn.

In light of the amended Abstract discussed above, Applicants respectfully request that the objection to the Abstract be withdrawn.

It is respectfully submitted that Figure 1 is not "Prior Art". Accordingly, contrary to that which is asserted in paragraph 6 of the Office Action, it is respectfully submitted that Figure 1 should not be designated as --Prior Art--. Accordingly, it is respectfully requested that the objection to the drawings be withdrawn.

The undersigned Attorney for Applicants (Undersigned) conducted a telephone interview (Interview) with the Examiner in charge of the above-identified application on December 11, 2003. During the Interview, the Undersigned described the background art and the present invention. The Undersigned then distinguished the present invention over the prior art as applied by the Examiner.

In particular, the Undersigned described that which is discussed on pages 1-5 of the Office Action in the description of the background art. More particularly, the discussion touched on "pull" type methods for obtaining multimedia data, wherein users freely retrieves target data through the internet and "push" type methods for obtaining multimedia data, wherein the data is obtained through broadcasting.

The Undersigned, in the Interview, indicated that the present invention is drawn to a push type system and method for receiving multi-media data.

The Undersigned then pointed out to the Examiner that each of independent claims 32 and 37 clearly indicate that the present invention is drawn to a push type device and method, respectively, by discussing receiving the plurality of multimedia data "included in the broadcast data." The Undersigned then discussed that Nelson, on the contrary, discloses a pull type method for receiving multimedia data. More specifically, as described in column 2, lines 21-26, the system of Nelson is drawn to accessing a common index via queries to receive multimedia components. Accordingly, the Undersigned pointed out to the Examiner that Nelson fails to teach: a receiving unit operable to sequentially receive a plurality of multimedia data included in broadcast data, as required in claim 32; and sequentially receiving a plurality of multimedia data included in broadcast data, as required in claim 37.

Nevertheless, the Examiner indicated that "broadcast data" fails to distinguish the present invention over Nelson. The Examiner further indicated that in order to provide consideration to "broadcast" data as required in the present invention, each of claims 32 and 37 should be further amended.

The Undersigned indicated that each word in the claims should be considered by the Examiner. Further, the Undersigned reiterated that Nelson fails to anticipate the claimed invention because Nelson fails to discuss receiving broadcast data. Nevertheless, in order to expedite prosecution, the Undersigned suggested amending each of claims 32 and 37 to include the phrase "on a designated broadcast channel."

The Examiner indicated that the proposed amendment would distinguish each of claims 32 and 37 over Nelson.

It is respectfully submitted that each of claims 32 and 37 are patentable over the prior art of record for the following reasons.

Claim 32 is drawn to a broadcast data receiving device comprising, *inter alia*, a receiving unit, an outputting unit, a storing unit and a managing unit. More specifically, the receiving unit of claim 32 is required to be operable to “sequentially receive the plurality of multi-media data included in the **broadcast data on a designated broadcast channel.**”

Claim 37 is drawn to a broadcast data receiving method comprising, *inter alia*, sequentially receiving, outputting, creating and storing and managing. More specifically, the sequentially receiving of claim 37 is required to comprise sequentially receiving the “plurality of multi-media data included in the **broadcast data on a designated broadcast channel.**”

It is respectfully submitted that Nelson fails to teach the above-identified limitations.

As agreed in the Interview, and as discussed above, it is respectfully submitted that Nelson fails to teach: a receiving unit operable to sequentially receive a plurality of multi-media data included in a broadcast data on a designated broadcast channel, a required in independent claim 32; or sequentially receiving a plurality of multi-media data included in a broadcast data on a designated broadcast channel, as required in independent claim 37.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, *Akzo N.V. v. U.S. Int’l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the foregoing, it is clear that Nelson does not anticipate claims 32 or 37.

Because claims 33-36 are dependent upon claim 32, and therefore include all the limitations thereof, it is additionally respectfully submitted that claims 33-35 are additionally novel over Nelson within the meaning of 35 U.S.C. § 102.

In view of the above remarks, Applicants respectfully submit that claims 32 and 37 are not anticipated by Nelson, and urge that the rejection of claims 32-37 under 35 U.S.C. § 102(e), be withdrawn.

It is additionally respectfully submitted that there is no motivation to modify Nelson to arrive at the claimed invention within the meaning of 35 U.S.C. § 103.

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an Interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Respectfully submitted,

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